

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Vizginia 22313-1450 www.uspto.gov

APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/038,617	01/0	8/2002	Hiroyuki Morita	8001-1004 7779		
466	7590	07/02/2003				
YOUNG &			EXAMINER			
745 SOUTH ARLINGTO		ET 2ND FLOOI 2	R	EVANS, GEOFFREY S		
				ART UNIT	PAPER NUMBER	
				1725	7	
				DATE MAILED: 07/02/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

- · · · · · · · · · · · · · · · · · · ·		Application No.	Applicant(s)	157
•		10/038,617	MORITA, HIROYUKI	
	Office Action Summary	Examiner	Art Unit	
		Geoffrey S Evans	1725	
	The MAILING DATE of this communication app	<u> </u>		-
Period fo	or Reply			
THE I - External after - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPL' MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a repl period for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a y within the statutory minimum of th will apply and will expire SIX (6) MC , cause the application to become	reply be timely filed irty (30) days will be considered timely. INTHS from the mailing date of this communical ABANDONED (35 U.S.C. § 133).	ıtion.
1)⊠	Responsive to communication(s) filed on 24.	<u>June 2003</u> .		
2a) <u></u> □	This action is FINAL . 2b)⊠ Th	is action is non-final.		
3) 🗌	Since this application is in condition for allowed closed in accordance with the practice under ton of Claims			ts is
· _		polication		
	Claim(s) 2.3 and 9-12 is/are pending in the ap 4a) Of the above claim(s) is/are withdra			
	Claim(s) is/are allowed.	wit from consideration.		
•	Claim(s) 2,3 and 9-12 is/are rejected.			
	Claim(s) <u>2,3 and 9-12</u> is/are rejected. Claim(s) is/are objected to.			
· <u> </u>	<u>-</u>	r alaction requirement		
	Claim(s) are subject to restriction and/o	r election requirement.		
9) 🗌 .	The specification is objected to by the Examine	r.		
10) 🔲 .	The drawing(s) filed on is/are: a)□ acce	oted or b)⊡ objected to by	the Examiner.	
_	Applicant may not request that any objection to th		• •	
11)[_]	The proposed drawing correction filed on		disapproved by the Examiner.	
	If approved, corrected drawings are required in re	•		
-	The oath or declaration is objected to by the Ex	aminer.		
_	ınder 35 U.S.C. §§ 119 and 120			
	Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C	. § 119(a)-(d) or (f).	
a)[☑ All b)☐ Some * c)☐ None of:			
	1. Certified copies of the priority document	s have been received.		
	2. Certified copies of the priority document	s have been received in	Application No	
* S	3. Copies of the certified copies of the prio application from the International Buse the attached detailed Office action for a list	reau (PCT Rule 17.2(a))		
14)∐ A	acknowledgment is made of a claim for domesti	c priority under 35 U.S.C	s. § 119(e) (to a provisional applic	ation).
) \square The translation of the foreign language proAcknowledgment is made of a claim for domest	• •		ŕ
Attachmen	t(s)			
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u>	5) Notice of	v Summary (PTO-413) Paper No(s) f Informal Patent Application (PTO-152)	
S. Patent and Tr	ademark Office			

Application/Control Number: 10/038,617 Page 2

Art Unit: 1725

DETAILED ACTION

1. The indicated allowability of claims 2,3, and 9-12 is withdrawn in view of the newly discovered prior art document Uchida et al., U.S. Patent No. 5,798,867, that is similar to Nakayama in Japan Patent No. 9-171,152, cited on the Information Disclosure Statement of April 23,2003.

- 2. The abstract of the disclosure is objected to because it must be only one paragraph long and only 150 words in length. Correction is required. See MPEP § 608.01(b).
- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 2,3 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. in U.S. Patent No. 5,798,867 in view of Japan Patent No. 61-121,379. Uchida et al. discloses in prior art figure 9 a plurality of beam paths with attenuators (element 110; see column 2,lines 61-67) only shown as dotted lines in at least one of the beam paths. Uchida et al. does not disclose using as an attenuator a rotation cylinder and an optical substrate fixed at a predetermined slope angle with respect to the optical axis provided in the rotation cylinder. Japan Patent No. 61-121,379 discloses a variable attenuator for a laser beam made of a rotation cylinder (element 5 in figure 1) and an optical substrate (element 7) fixed at the Brewster's Angle with respect to the optical axis. It would have been obvious to adapt Uchida et al. in view of

Art Unit: 1725

Japan Patent No. 61-121,379 to provide an attenuator made of a rotation cylinder and an optical substrate fixed at a predetermined slope angle with respect to the optical axis provided in the rotation cylinder in order to provide an operable attenuator usable with laser beams. Regarding claim 3, Uchida et al. discloses using the attenuators to make the beam in each optical path equal to the other beams (see column 2, lines 65-67). Regarding claim 12, Uchida et al. discloses in the prior art the correcting means are provided in each optical path except a reference optical path (see column 2, lines 55-60).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (703)-308-1653. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703)-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703)-872-9311 for After Final communications.

> Primary Examiner Art Unit 1725

GSE July 2, 2003